

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

ADAPT PHARMA OPERATIONS  
LIMITED, *et al.*,

Plaintiffs,

v.

TEVA PHARMACEUTICALS  
USA, INC., *et al.*,

Defendants.

Case No. 2:16-cv-7721 (BRM) (JAD)

**ORDER**

**THIS MATTER** comes before the Court<sup>1</sup> by way of an Amended Complaint for Patent Infringement brought by Plaintiffs Adapt Pharma Operations Limited; Adapt Pharma, Inc.; Adapt Pharma Limited (collectively “Adapt”); and Opiant Pharmaceuticals, Inc. (together with Adapt, “Plaintiffs”) against Defendants Teva Pharmaceuticals USA, Inc. and Teva Pharmaceuticals Industries Ltd. (collectively, “Teva” or “Defendants”). (ECF No. 43.) This action relates to the validity of the following claims of the corresponding United States Patents held by Plaintiffs: (1) Claims 7 and 9 of United States Patent Number 9,468,747 (the “‘747 Patent”) (TX-0001)<sup>2</sup>; (2) Claim 4 of United States Patent Number 9,561,177 (the “‘177 Patent”) (TX-0002); (3) Claims 21, 24, and 25 of United States Patent Number 9,629,965 (the “‘965 Patent”) (TX-0003); and (4) Claims 2, 24, 33, and 38 of United States Patent Number 9,775,838 (the “‘838 Patent”) (TX-0004).

---

<sup>1</sup> On May 22, 2019, this case was reassigned to the undersigned. (ECF No. 213.)

<sup>2</sup> The Amended Bench Trial Exhibit List can be found at ECF No. 338.

The Court held a two-week bench trial beginning on August 26, 2019, and concluding on September 6, 2019. Due to scheduling issues, testimony from the parties' experts on pharmaceutical economics was heard on October 17, 2019. The parties submitted opening post-trial briefs, and proposed findings of fact and conclusions of law on November 13, 2019. (ECF Nos. 284–87.) The parties submitted responsive post-trial briefing on December 6, 2019. (ECF Nos. 300, 302–04.) Closing arguments were held on February 26, 2020.

Accordingly, for the reasons set forth in the accompanying Opinion and for good cause shown,

**IT IS** on this 5th day of June 2020,

**ORDERED** that Claims 7 and 9 the '747 Patent are **INVALID**; and it is further

**ORDERED** that Claim 4 of the '177 Patent is **INVALID**; and it is further

**ORDERED** that Claims 21, 24, and 25 of the '965 Patent are **INVALID**; and it is further

**ORDERED** that Claims 2, 24, 33, and 38 the '838 Patent are **INVALID**; and it is further

**ORDERED** that the Clerk is directed to file the accompanying Opinion under temporary seal until further order of the Court; and it is further

**ORDERED** that the parties shall submit a joint redacted version of the accompanying Opinion via email to **chambers\_of\_judge\_brian\_martinotti@njd.uscourts.gov** by **June 19, 2020**; and it is finally

**ORDERED** that the parties shall submit a joint proposed form of judgment consistent with this Order and the accompanying Opinion by **June 19, 2020**.

*s/ Brian R. Martinotti*  
**HON. BRIAN R. MARTINOTTI**  
**UNITED STATES DISTRICT JUDGE**